

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP and  
WAPP TECH CORP.,

Plaintiffs,

v.

APPLE INC., CAPITAL ONE, N.A.,  
CAPITAL ONE SERVICES, LLC, FROST  
BANK, and CULLEN/FROST BANKERS,  
INC.,

Defendants.

Civil Action No. 4:25-cv-00230-ALM

JURY TRIAL DEMANDED

**DEFENDANT APPLE INC.’S UNOPPOSED MOTION TO FILE UNDER SEAL ITS  
MOTION TO DISMISS AND SUPPORTING DECLARATION AND EXHIBITS**

Pursuant to Local Rule CV-5(a)(7)(C), Defendant Apple Inc. respectfully moves for leave to file under seal Apple Inc.’s Motion to Dismiss (the “Motion”) and supporting materials, including: (i) the Declaration of Michael E. Bowlus in Support of the Motion (the “Bowlus Declaration”); and (ii) Exhibits 1–10 attached to the Bowlus Declaration (“Exhibits 1–10”). A Protective Order has not been entered in this case, but the Motion, Bowlus Declaration, and Exhibits 1–10 contain sensitive information relating to Apple’s business operations and contractual terms with third parties, which Apple considers confidential.

The Bowlus Declaration and Exhibits 1–10 include information regarding or consisting of confidential agreements between Apple and third parties Best Buy and Target, to which Apple owes duties of confidentiality. *See* Bowlus Decl. ¶¶ 3–12, *cf. Cellular Commc’ns Equip., LLC v. Apple Inc.*, No. 6:14-CV-251-KNM, 2017 WL 10311215, at \*4 (E.D. Tex. Jan. 5, 2017) (sealing third-party confidential information). Consistent with those confidentiality obligations, Apple designated this material as “Confidential – Outside Attorneys’ Eyes Only” pursuant to Eastern District of Texas Patent Rule 2-2. Furthermore, Exhibits 1–10 contain sensitive information relating to commercial terms between Apple and third-parties Best Buy and Target, the disclosure of which would cause competitive harm. *See* Bowlus Decl. ¶¶ 3–12; *cf. Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978) (“[C]ourts have refused to permit their files to serve ... as sources of business information that might harm a litigant’s competitive standing.”); *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (similar).

Counsel for Apple conferred with counsel for Plaintiffs regarding this motion to file under seal, and Plaintiffs do not oppose the relief sought by the motion. To preserve the confidentiality of these materials, Apple requests leave to file the Motion, Bowlus Declaration,

and Exhibits 1–10 under seal. Apple will file public redacted versions of these filings within seven days pursuant to Local Rule CV-5(a)(7)(E).

Dated: July 25, 2025

Respectfully submitted,

/s/ Melissa R. Smith

Indranil Mukerji  
Ranganath Sudarshan  
Brianne Bharkhda Sullivan (*pro hac vice* forthcoming)  
Matthew Kudzin (*pro hac vice* forthcoming)  
John Veiszlemlein (*pro hac vice* forthcoming)  
**COVINGTON & BURLING LLP**  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-6000  
imukerji@cov.com  
rsudarshan@cov.com  
bsullivan@cov.com  
mkudzin@cov.com  
jveiszlemlein@cov.com

Michael E. Bowlus  
**COVINGTON & BURLING LLP**  
Salesforce Tower  
415 Mission St., Ste. 5400  
San Francisco, CA 94105  
(415) 591-6000  
mbowlus@cov.com

Melissa R. Smith  
Texas State Bar No. 24001351  
**GILLAM & SMITH LLP**  
303 S. Washington Ave.  
Marshall, TX 75670  
(903) 934-8450  
melissa@gillamsmithlaw.com

*Attorneys for Defendant Apple Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 25, 2025, to all counsel of record via email.

/s/ *Melissa R. Smith*  
Melissa R. Smith

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(h), counsel for Defendant met and conferred with counsel for Plaintiffs, and counsel for Plaintiffs indicated that Plaintiffs do not oppose the filing of or the relief sought by this motion.

/s/ *Melissa R. Smith*  
Melissa R. Smith